

**U.S. Department of Justice**  
**FY 2011 PERFORMANCE BUDGET**  
**Congressional Submission**

**General Administration**

## Table of Contents

	Page No.
<b>I. Overview</b>	<b>2</b>
<b>II Summary of Program Changes</b>	<b>4</b>
<b>III. Appropriations Language and Analysis of Appropriations Language</b>	<b>6</b>
<b>IV. Decision Unit Justification</b>	<b>7</b>
A. Department Leadership	7
1. Program Description	
B. Intergovernmental Relations/External Affairs	9
1. Program Description	
C. Executive Support/Professional Responsibility	10
1. Program Description	
D. Justice Management Division	12
1. Program Description	12
2. Performance Tables	14
3. Performance, Resources, and Strategies	16
<b>V. Exhibits</b>	
A. Organizational Chart	
B. Summary of Requirements	
C. Program Increases by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Base Adjustments	
F. Crosswalk of 2009 Availability	
G. Crosswalk of 2010 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Increases/Offsets	
K. Summary of Requirements by Grade	
L. Summary of Requirements by Object Class	
M. Status of Congressionally Requested Studies, Reports, and Evaluations	

## **I. Overview of General Administration**

For the General Administration (GA), the Department of Justice (DOJ) requests a total of 687 permanent positions (156 attorneys), 778 FTE (includes 101 reimbursable), and \$223,336,000 for FY 2011. This request represents an increase of 126 positions, 123 FTE and \$104,848,000 from the FY 2010 Enactment. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:

<http://www.usdoj.gov/jmd/2011justification/>.

For GA, the primary mission is to support the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. GA also provides administrative support services to the legal divisions and policy guidance to all Department organizations. GA's mission supports every aspect of the DOJ strategic plan. Most GA offices have significant oversight responsibilities that shape DOJ policy and influence the way the Department works toward meeting each of its strategic goals.

GA consists of four decision units: Department Leadership, Intergovernmental Relations and External Affairs, Executive Support and Professional Responsibility, and the Justice Management Division.

*Department Leadership*, including the Offices of the Attorney General, Deputy Attorney General, Privacy and Civil Liberties, and Associate Attorney General, develops policies regarding the administration of justice in the United States, and directs and oversees the administration and operation of the Department's bureaus, offices, and divisions to ensure DOJ's success in meeting its strategic goals. These offices also represent the United States in civil and criminal law matters, and provide advice and opinions on legal issues to the President, members of Congress, and the heads of Executive Departments and Agencies.

*Intergovernmental Relations and External Affairs* includes the Offices of Public Affairs, Legislative Affairs and Intergovernmental and Public Liaison. These offices conduct legal and policy analysis of the initiatives necessary for DOJ to meet its strategic goals, and in the many areas in which the Department has jurisdiction or responsibilities. They also act as liaison with federal, state, local and international governments, law enforcement officials, the media and Congress on Department activities.

*Executive Support and Professional Responsibility* includes the Offices of Legal Policy, Professional Responsibility, Information Policy and the Professional Responsibility Advisory Office. This decision unit plans, develops, and coordinates the implementation of major policy initiatives of high priority to the Department and to the administration and represents the Department in the administration's judicial process for Article III judges. This decision unit also oversees the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.

*Justice Management Division* provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance by DOJ components

with departmental and other federal policies and regulations, and provides a full range of management and administration support services.

For performance reporting purposes, resources for GA offices are not included under one specific goal because GA's mission supports every aspect of the Department's strategic plan as noted above. GA's budget is integrated with its own priorities as well as the Department's Strategic Goals and Objectives.

The Environmental Program staff within the Justice Management Division (JMD) decision unit is developing an Environmental Management System (EMS) for the Department and updating the Justice Property Management Order to include environmental policies and responsibilities.

As a matter of policy, the Department is committed to:

- Complying with all federal, state, and local environmental laws and applicable Presidential Executive Orders.
- Considering environmental impacts when making planning, purchasing, operating, and budget decisions.
- Promoting resource conservation and pollution prevention by encouraging employees and contractors to reduce energy consumption, water usage, and waste production, and promoting re-use and recycling whenever possible.
- Providing a safe and healthy work environment for our employees.
- Improving environmental performance by setting environmental goals, measuring progress, taking corrective action when necessary, and communicating the results to DOJ management and staff.
- Using a higher tier EMS as a framework for setting and reviewing environmental objectives and targets at the Department and bureau level.
- Communicating and reinforcing this policy throughout the agency.

JMD will request bureau involvement and review as part of the process of developing these two initiatives.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
<b>Terrorism Prosecution and Associated Costs</b>	Funding for activities related to detention and prosecution of the alleged conspirators of the 9/11 terrorist attacks.	0	0	72,771	17
<b>International Organized Crime Intelligence and Operations Center (IOC-2)</b>	To fund component positions on a reimbursable basis to expand and enhance IOC-2.	[39]	[19]	7,619	19
<b>Attorney General's Organized Crime Council Program Support (AGOCC)</b>	Funding and staffing for a central AGOCC office to provide policy guidance and program support for the unified federal law enforcement effort to target sophisticated international criminal organizations.	4	2	5,363	21
<b>Access to Justice and Rule of Law</b>	Funding and staffing to support Rule of Law activities.	10	8	2,485	23
<b>Privacy and Civil Liberties</b>	Funding and staffing to support the Office of Privacy and Civil Liberties to perform their statutorily mandated duties: compliance, legal guidance, and legal and policy leadership.	2	1	229	25
<b>Tribal Justice</b>	Funding and staffing to support the Office of Tribal Justice. Includes 3 attorneys to work on legal issues and 1 program analyst to work on grant issues.	4	2	584	27
<b>Legislative Affairs</b>	Funding and staffing to support the Office of Legislative Affairs, for the development and implementation of strategies to advance the Department's legislative initiatives and other interests relating to Congress.	3	2	305	29
<b>Professional Responsibility</b>	Funding and staffing to support the Office of Professional Responsibility for an increasing number of special investigations.	5	3	488	31
<b>Accountability and Program Management</b>	Funding and staffing to support the Justice Management Division's role of oversight and compliance management.	4	2	506	34

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
<b>Acquisitions Improvement</b>	Funding and staffing to increase the Department's acquisition workforce capacity and capabilities.	<b>90</b>	<b>90</b>	<b>10,778</b>	<b>37</b>
<b>Travel Offset</b>	Offset of travel funding.			<b>(86)</b>	<b>39</b>

### III. Appropriations Language and Analysis of Appropriations Language

#### Appropriations Language\*

For expenses necessary for the administration of the Department of Justice, [\$118,488,000] \$212,558,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: [Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That \$18,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$78,979,000 is for the Justice Management Division: Provided further, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: Provided Further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.] Provided, That of the funds made available under this heading, \$72,771,000 shall remain available until September 30, 2012, for activities and expenses related to detainees currently or formerly detained by the Department of Defense at Guantanamo Bay Naval base or elsewhere: Provided further, That the Attorney General may transfer amounts available in the preceding proviso to any Department of Justice account to be used for the same purposes: Provided further, That this transfer authority is in addition to any other transfer authority available to the Attorney General: Provided further, That the Attorney General is authorized to transfer funds appropriated within the General Administration to any office in this account: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

#### General Provisions

Sec. 218. For an additional amount for the "Salaries and Expenses" account under the heading "General Administration", \$10,778,000, to increase the Department's acquisition workforce capacity and capabilities: Provided, That such funds may be transferred by the Attorney General to any other account in the Department to carry out the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided in this Act: Provided further, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: Provided further, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): Provided further, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

\*The total request for General Administration is \$223,336,000 which includes the \$212,558,000 plus the \$10,778,000 for acquisitions improvement in the General Provisions, Section 218.

#### Analysis of Appropriations Language

Delete language that specifies funding by decision unit. Decision unit breakout is included in the budget submission in accordance with OMB guidance; therefore, it is not necessary to specify it in the appropriations language.

## IV. Decision Unit Justification

### A. Department Leadership

<i>Department Leadership</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	46	47	\$13,213
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	46	47	13,213
2010 Enacted	65	57	18,693
Adjustments to Base and Technical Adjustments	0	9	3,312
2011 Current Services	65	66	22,005
2011 Program Increases	16	11	15,696
2011 Request	81	77	\$37,701
<b>Total Change 2010-2011</b>	16	20	19,008

#### 1. Program Description

The Department Leadership decision unit includes the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Privacy and Civil Liberties, and the Office of the Associate Attorney General. These offices support every aspect of the DOJ Strategic Plan and, therefore, are included under Enabling/Administrative instead of a particular goal. Specifically, the general goals and objectives of the Department Leadership decision unit are:

- Advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States.
- Formulate and implement policies and programs that advise the administration of justice in the United States.
- Manage the Department of Justice.
- Provide executive-level leadership in: the prevention of terrorism, the continuing war on drugs, combating violent crimes, investigating and prosecuting fraud and other white collar crimes, diminishing prison overcrowding, and, enforcing environmental and civil rights laws.
- Provide executive-level oversight and management of: international law enforcement training and assistance, financial institutions, reform, recovery, and enforcement programs, and investigative policy.
- Coordinate criminal justice matters with federal, state, and local law enforcement and criminal justice agencies.
- Investigate, process, and make recommendations to the President on candidates for judicial and Justice Department Presidential appointments.
- Prepare and disseminate an *Annual Report* to the Congress and the public regarding the programs and accomplishments of the Department of Justice.
- Develop, review, and oversee the Department's privacy policies and operations to ensure privacy compliance.

The Attorney General (AG), as head of the DOJ, is the nation's chief law enforcement officer and is appointed by the President, with the advice and consent of the Senate. The AG furnishes advice and opinions on legal matters to the President, the Cabinet and to the heads of the



executive departments and agencies of the government, as provided by law, and makes recommendations to the President concerning appointments within the Department, including U.S. Attorneys and U.S. Marshals. The AG appears in person to represent the Government before the U.S. Supreme Court in cases of exceptional gravity or importance, and supervises the representation of the government in the Supreme Court and all other courts, foreign and domestic, in which the United States is a party or has an interest as may be deemed appropriate. The AG also supervises and directs the administration and operation of the DOJ, including the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, Bureau of Prisons, Office of Justice Programs, U.S. Attorneys, and U.S. Marshals Service.

The Deputy Attorney General (DAG) advises and assists the AG in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. The DAG is appointed by the President and confirmed by the Senate and is second in command of the Department. The DAG exercises all the power and authority of the AG unless any such power of authority is required by law to be exercised by the AG personally or has been specifically delegated exclusively to another Department official. The DAG exercises the power and authority vested in the AG to take final action in matters specifically pertaining to: (1) the employment, separation, and general administration of personnel in the Senior Executive Service (SES) and of attorneys and law students regardless of grade or pay, (2) the appointment of special attorneys and special assistants to the AG, (3) the appointment of Assistant U.S. Trustees and fixing of their compensation, and (4) the approval of the appointment by U.S. Trustees of standing trustees and the fixing of their maximum annual compensation and percentage fees as provided in 28 U.S.C. 586 (e). The DAG also coordinates departmental liaison with White House staff and the Executive Office of the President, and coordinates and controls the Department's reaction to terrorism and civil disturbances.

The Office of Privacy and Civil Liberties (OPCL) is responsible for refining the Department's policies relating to the protection of individual civil rights, specifically in the context of the Department's counterterrorism and law enforcement efforts, and coordinating the work of the Department related to the protection of privacy and civil liberties. The OPCL also ensures that the appropriate Department personnel receive training on the additional privacy and civil liberties protections provided in the Patriot Improvement and Reauthorization Act. OPCL works with the Inspector General to ensure that all reports required by that Act regarding privacy and civil liberties are submitted.

The Associate Attorney General (AAG) is appointed by the President and is subject to confirmation by the Senate. As the third-ranking official of the Department, the AAG is a principal member of the AG's senior management team and advises and assists the AG and DAG on the formulation and implementation of DOJ policies and programs. The AAG coordinates departmental liaison with the White House staff and prepares recommendations for the consideration of the AG for judicial appointments and presidential appointments within the Department. In addition to these duties, the AAG oversees the work of the Civil, Civil Rights, Antitrust, Tax, and Environment and Natural Resources Divisions. This office also has oversight responsibility for the Office of Justice Programs, the Office of Community Oriented Policing Services, the Office of Dispute Resolution, the Office of Information Policy, the Community Relations Service, the Executive Office for U.S. Trustees, and the General Administration.

## ***B. Intergovernmental Relations/External Affairs***

Intergovernmental Relations/External Affairs	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	52	52	\$7,834
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	52	52	7,834
2010 Enacted	52	52	8,101
Adjustments to Base and Technical Adjustments	4	4	1,412
2011 Current Services	56	56	9,513
2011 Program Increases	7	4	889
2011 Request	63	60	\$10,402
<b>Total Change 2010-2011</b>	<b>11</b>	<b>8</b>	<b>2,301</b>

### **1. Program Description**

The Intergovernmental Relations/External Affairs decision unit consists of the Offices of Public Affairs, Legislative Affairs and Intergovernmental and Public Liaison. These offices support a myriad of the Department's strategic plan initiatives. Specifically, the general goals and objectives of the Intergovernmental Relations/External Affairs program are to:

- Improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration.
- Maintain an efficient and responsive legislative liaison service operation.
- Provide support in advancing the Administration's overall legislative agenda.
- Assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements.
- Disseminate timely, accurate information about the Department, the AG and the Administration's law enforcement priorities, policies and activities to the media and the general public.
- Enhance and promote the enforcement goals of the Department by distributing news releases, coordinating press conferences, telephone and video conferences to announce indictments, settlements, and statements on civil rights, environmental, criminal, antitrust, and other Department enforcement activities.
- Ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests.

The Office of Public Affairs (PAO) is the principle point of contact for DOJ with the public and the media. PAO is responsible for ensuring the public is informed about the Department's activities and the priorities and policies of the AG with regard to law enforcement and legal affairs. Its staff advises the AG and other Department officials on all aspects of media relations and general communications. The Office also coordinates the public affairs units for Departmental components. PAO also prepares and issues Department news releases and frequently reviews and approves those issued by components. It serves reporters assigned to the

Department by responding to queries, issuing news releases and statements, arranging interviews, and conducting news conferences. PAO ensures that information provided to the media by the Department is current, complete, and accurate. It also ensures that all applicable laws, regulations, and policies involving the release of information to the public are followed so that the maximum disclosure is made without jeopardizing investigations and prosecutions, violating rights of individuals, or compromising national security interests.

The Office of Legislative Affairs (OLA) has responsibility for devising and implementing the legislative strategy to carry out the AG's initiatives that require congressional action. Similarly, OLA articulates the views of the Department, including the components, on congressional legislative initiatives. OLA responds for the Department to requests and inquiries from congressional committees, individual congressional members, and their staffs. It coordinates congressional oversight activities involving the Department, as well as the appearances of Department witnesses and the interagency clearance of all congressional testimony. OLA participates in the Senate confirmation process for federal judges and Department nominees, such as Assistant Attorney General and U.S. Attorneys.

The Office of Intergovernmental and Public Liaison (OIPL) coordinates the AG's and other leadership officials' relationships with state and local governments and the interest groups which represent them, provides advice on strategic planning of the AG's public appearances, performs speech writing duties for the AG and the DAG, provides event planning and consulting services to the AG and the DAG, and advises and assists the White House, as required, on these same issues. The Office is headed by a director who is appointed by the AG.

### ***C. Executive Support/Professional Responsibility***

Executive Support/Professional Responsibility	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	56	56	\$12,254
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	56	56	12,254
2010 Enacted	56	56	12,715
Adjustments to Base and Technical Adjustments	0	0	274
2011 Current Services	56	56	12,989
2011 Program Increases	5	3	488
2011 Request	61	59	\$13,477
<b>Total Change 2010-2011</b>	<b>5</b>	<b>3</b>	<b>762</b>

### **1. Program Description**

The Executive Support/Professional Responsibility decision unit consists of the Offices of Legal Policy and Professional Responsibility, as well as two offices which are currently fully reimbursable: the Office of Information Policy and the Professional Responsibility Advisory Office. These offices support various aspects of the Department's strategic plan. Specifically, the general goals and objectives of this decision unit are to:

- Improve the Department's efficacy in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities.
- Handle the processing of judicial and other nominations efficiently and responsively.
- Oversee the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.
- Assist Department components in processing Freedom of Information Act (FOIA) requests from the public, as well as promote effective FOIA operations across the Executive Branch.

The Office of Legal Policy (OLP) plans, develops, and coordinates the implementation of major policy initiatives of high priority to the Department and the Administration and represents the Department in the Administration's judicial process for Article III judges. OLP is headed by an Assistant Attorney General who is appointed by the President with the advice and consent of the Senate.

The Office of Professional Responsibility (OPR), which reports directly to the AG, is responsible for investigating allegations of misconduct by DOJ attorneys in their duties to investigate, represent the government in litigation, or provide legal advice. In addition, OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. OPR's primary objective is to ensure that DOJ attorneys continue to perform their duties in accordance with the high professional standards expected of the nation's principal law enforcement agency. OPR is headed by the Counsel for Professional Responsibility, who is a career government official. Under the Counsel's direction, OPR reviews allegations of attorney misconduct involving violation of any standard imposed by law, applicable rules of professional conduct, or departmental policy. When warranted, OPR conducts full investigations of such allegations and reports its findings and conclusions to the Attorney General and other appropriate Department officials. OPR also oversees the Federal Bureau of Investigation's Office of Professional Responsibility and the Drug Enforcement Administration's Office of Professional Responsibility and serves as the Department's contact with state bar disciplinary organizations. The objectives of OPR are different from the Office of the Inspector General (OIG) in that OPR focuses on allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses on allegations of waste and abuse and other matters which do not implicate the ability of the Department to investigate, litigate or prosecute.

The Office of Information Policy (OIP) was established as an independent office in 1993. It manages certain departmental responsibilities related to FOIA. These responsibilities include coordinating and implementing policy development and compliance government-wide for the FOIA, and Department-wide for the Privacy Act. OIP makes decisions on all appeals from denials by any Department component of access to information under these two Acts. Additionally, OIP promotes effective FOIA operations across government by issuing guidance and providing training to agency FOIA officers.

The Professional Responsibility Advisory Office (PRAO) is dedicated to resolving professional responsibility issues faced by Department attorneys and Assistant U.S. Attorneys. PRAO provides prompt, consistent advice to Department leadership, government attorneys and Assistant U.S. Attorneys with respect to areas of professional responsibility and choice-of-law issues. It assembles and maintains the codes of ethics, including all relevant interpretative decisions and bar opinions of every state, territory and the District of Columbia as well as other

reference materials, and serves as a central repository for briefs and pleadings as cases arise. It provides coordination with the litigating components of the Department to defend attorneys in any disciplinary or other hearings that allege they failed to meet their ethical obligations and serves as liaison with the state and federal bar associations in matters related to the implementation and interpretation of the Ethical Standards for Prosecutors Act and any amendments and revisions to the various state ethics codes. PRAO is headed by a director who is a career government executive.

#### **D. Justice Management Division**

<i>Justice Management Division</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	388	389	\$72,504
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	388	389	72,504
2010 Enacted	388	389	78,979
Adjustments to Base and Technical Adjustments	0	0	(1,192)
2011 Current Services	388	389	77,787
2011 Program Increases	94	92	11,284
2011 Program Decrease	0	0	(86)
2011 Request	482	481	\$88,985
<b>Total Change 2010-2011</b>	<b>94</b>	<b>92</b>	<b>10,006</b>

#### **1. Program Description**

The Justice Management Division (JMD), under the direction of the Assistant Attorney General for Administration, provides advice and assistance to senior management officials relating to basic Department policy for budget and financial management, personnel management and training, facilities, procurement, equal employment opportunity, information processing, records management, security, and all other matters pertaining to organization, management and administration. JMD provides direct administrative support services such as personnel, accounting, procurement, library, budget, facilities and property management to offices, boards and divisions of the Department and operates several central services, such as automated data processing and payroll, on a reimbursable basis through the Working Capital Fund. The Division collects, organizes, and disseminates records information that is necessary for the Department to carry out its statutory mandate and provides general research and reference assistance regarding information to Department staff, other government attorneys, and members of the public.

The major functions of JMD are to:

- Conduct, direct, review, and evaluate management studies and surveys of the Department's organizational structure, functions, programs, operating procedures, supporting systems and management practices.
- Supervise, direct, and review the preparation, justification, and execution of the Department's budget, including the coordination and control of the programming and reprogramming of funds.

- Review, analyze, and coordinate the Department's programs and activities to ensure that the Department's use of resources and estimates of future requirements are consistent with the policies, plans, and mission priorities of the Attorney General.
- Plan, direct, and coordinate department wide-personnel management programs and develop and issue department-wide policy in all personnel program areas.
- Direct department-wide financial management policies, internal controls, programs, procedures, and systems including financial accounting, planning, analysis, and reporting.
- Formulate and administer the General Administration appropriation of the Department's budget.
- Plan, direct, administer, and monitor compliance with department wide policies, procedures, and regulations concerning records, reports, procurement, printing, graphics, audiovisual activities, forms management, supply management, motor vehicles, real and personal property, space assignment and utilization, employee health and safety programs, and all other administrative services functions.
- Direct all Department security programs including personnel, physical, document, information processing, telecommunications, and special intelligence and formulate and implement Department defense mobilization and contingency planning.
- Review legislation for potential impact on the Department's resources.
- Establish policy and procedures related to debt collection and asset forfeiture.
- Develop, direct, coordinate, and monitor compliance with department wide policies and programs for implementing an effective and viable equal employment opportunity program that includes affirmative employment initiatives and procedures for the timely and equitable processing of discrimination complaints.
- Direct the Department's ethics program by administering the ethics laws and regulations and coordinating the work of the deputy ethics officials throughout the Department. This includes issuing advice, providing ethics briefings, and reviewing financial disclosure reports.

**PERFORMANCE AND RESOURCES TABLE**
**Decision Unit: Justice Management Division**
**DOJ Strategic Goal/Objective: Enabling and Administration**

WORKLOAD/ RESOURCES		Final Target		(Projected) Actual		Requested		Changes		Requested (Total)	
		FY 2009 Enacted		FY 2009		FY 2010 Request		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
Total Costs and FTE [reimb]		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		420	72,504,000 [9,988,188]	420	72,504,000 [9,988,188]	420	78,979,000 [10,487,000]	92	10,006,000 [0]	482	88,985,000 [10,487,000]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009 Enacted		FY 2009 Enacted		FY 2010 Request		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
<u>Program Activity: Human Capital</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		64	12,579,000	64	12,579,000	64	12,774,000	1	166,000	65	12,940,000
Number of Personnel Actions		280,725		280,725		280,725		0		280,725	
Number of Whistleblower Case Issuances		35		35		40		0		40	
Ensure GS vacancies are filled within 45 days		45		45		45		0		45	
<u>Budget and Performance Integration</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		41	6,436,000	41	6,436,000	41	6,562,000	1	57,000	42	6,619,000
Monitor Budget & Performance Goals Quarterly for all Accouts		100%		100%		100%		0		100%	
<u>Secure and Consolidated Facilities</u>		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		112	20,501,000	112	20,501,000	112	22,260,000	1	83,000	113	22,343,000
Number of Security Compliance Reviews/Follw Ups Completed		40		40		40		0		40	
Number of Component COOP plans Reviewed		30		30		30		0		30	
Number of Employee/Contractor Adjudications Completed		10,050		10,050		10,552		0		10,552	

Data Definition, Validation, Verification, and Limitations: Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance.

**PERFORMANCE MEASURE TABLE**

**Decision Unit: JMD**

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of Personnel Actions				220,381	390,608	317,313	280,725		280,725	280,725
Performance Measure	Number of Whistleblower Case Issuances				120	60	109	35		40	40
Performance Measure	Monitor Budget & Performance Goals Quarterly for all Accounts							100%		100%	100%
Performance Measure	Number of Component COOP Plans Reviewed					77	20	30		30	30
OUTCOME Measure											



### **3. Performance, Resources, and Strategies**

The mission of JMD is “Serving Justice by Securing Results with Strategic Counsel.” JMD’s performance measures are centered on our mission and organized in the following performance areas:

- Human Capital - to recruit, hire, train, appraise, reward, and retain a highly qualified and diverse workforce to achieve DOJ’s mission objectives.
- Budget and Performance - to manage DOJ resources using integrated budget and performance criteria.
- Secure and Consolidated Facilities - to maximize space utilization and ensure safe and secure facilities.

***Program Increases*****Item Name:****Terrorism Prosecution**Budget Decision Unit(s): Terrorism ProsecutionStrategic Goal(s) & Objective(s): Goal 1: Prevent Terrorism and Promote the Nation's SecurityOrganizational Program: Terrorism ProsecutionProgram Increase: Positions 0 Atty 0 FTE 0 Dollars \$72,771,000**Description of Item**

\$72,771,000 million is requested for terrorism prosecution and associated costs.

**Justification**

\$72,771,000 to prosecute in the Southern District of New York the five alleged conspirators of the 9/11 terrorist attacks. Funding reflects costs associated with security, litigation, housing, and transportation. This program increase is requested for recurring annual costs to continue this effort. This increase is requested to be managed by the General Administration account and executed by other DOJ components as appropriate.

**Impact on Performance (Relationship of Increase to Strategic Goals)**

The request supports Objectives 1.1 "Prevent, disrupt, and defeat terrorist operations before they occur," and 1.3 "Prosecute those who have committed, or intend to commit, terrorist acts in the United States," which are included in Strategic Goal 1.

**Funding****Base Funding**

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

**Non-Personnel Increase Cost Summary**

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2010) (\$000)
Terrorism Prosecution Activities	72,771	N/A	72,771	0
Total Non-Personnel	72,771	N/A	72,771	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	0	0	0
Increases	0	0	0	0	72,771	72,771
Grand Total	0	0	0	0	72,771	72,771

**Item Name:** **International Organized Crime Intelligence and Operations Center (IOC-2) Component Resources**

Budget Decision Unit(s): Department Leadership  
Strategic Goal(s) & Objective(s): Enabling/Administrative  
Organizational Program: IOC-2

Program Increase: Positions [39] Atty [3] Agents [16] FTE [19] Dollars \$7,619,000

Description of Item

Funding and staffing is requested to support the components for IOC-2 positions and activities.

Justification

\$7,619,000 and 39 positions (16 agents, 3 attorneys) to fund component positions on a reimbursable basis to expand and enhance IOC-2. IOC-2 is a multi-agency intelligence center whose mission is to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States. Funds are requested to establish a dedicated and centralized budget for DOJ staffing of IOC-2 and to enable support of additional multi-jurisdiction investigations of priority targets nationwide. Participating components will include the Bureau of Alcohol, Tobacco, Firearms and Explosives, Criminal Division, Drug Enforcement Administration and the Federal Bureau of Investigation.

Impact on Performance (Relationship of Increase to Strategic Goals)

The request supports Objective 2.2 "Reduce the threat, incidence, and prevalence of violent crime," which is included in Strategic Goal 2.

**Funding**

Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
ATF - Intel Analyst	83	3	251	204
ATF – Agent	232	2	464	362
ATF – Forensic Auditor	107	1	107	83
CRM – Attorney	132	3	397	309
CRM – Program Analyst	77	1	77	60
DEA – Intel Analyst	124	2	248	97
DEA – Agent	236	2	473	368
FBI – Intel Analyst	165	13	2,145	1,678
FBI – Agent	288	12	3,457	2,696
Total Personnel		39	7,619	5,857

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	0	0	0
Increases	39	3	19	7,619	0	7,619
Grand Total	39	3	19	7,619	0	7,619

**Item Name:** **Attorney General's Organized Crime Council Program Support**

Budget Decision Unit(s): Department Leadership  
Strategic Goal(s) & Objective(s): Enabling/Administrative  
Organizational Program: Attorney General's Organized Crime Council Program Support

Program Increase: Positions 4 Atty 1 FTE 2 Dollars \$5,363,000

Description of Item

Funding and staffing is requested to support the Attorney General's Organized Crime Council Program Support (AGOCC).

Justification

\$5,363,000 and 4 positions (1 attorney) to establish a new AGOCC Program Support Office and central fund for the IOC-2. \$363,000 and the 4 positions to establish the AGOCC Program Support Office, which will provide policy guidance and administrative support for the unified federal law enforcement effort to target sophisticated international criminal organizations. Of the 4 positions requested, 2 positions will provide program support for the Program Support Office, and 2 positions will provide program and administrative support for IOC-2 staff located at the IOC-2, Operations Division. \$5,000,000 is requested for a central IOC fund that will support IOC-2 activities and pay for operational costs for IOC cases. The operational costs related to prosecuting IOC cases are quite high due to overseas travel, wiretap, translation and other costs, and require a dedicated source of funding.

Impact on Performance (Relationship of Increase to Strategic Goals)

The request supports Objective 2.2 "Reduce the threat, incidence, and prevalence of violent crime," which is included in Strategic Goal 2.

**Funding**

Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Deputy Director – Atty GS-15	227	1	125	98
Administrative Officer – GS-13	147	1	83	68
Administrative Assistant – GS-13	147	1	83	68
Program Manager – GS-9	128	1	72	58
Total Personnel		4	363	292

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel	5,000	1	5,000	0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	0	0	0
Increases	4	1	2	363	5,000	5,363
Grand Total	4	1	2	363	5,000	5,363

**Item Name:** **Access to Justice and Rule of Law**

Budget Decision Unit(s): Department Leadership

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: Access to Justice and Rule of Law

Program Increase: Positions 10 Atty 8 FTE 8 Dollars \$2,485,000

Description of Item

Funding and staffing is requested to support Access to Justice and Rule of Law.

Justification

\$2,485,000 and 10 positions (8 attorneys) to further domestic access to justice and Rule of Law (ROL) activities. Domestic access to justice includes the commitment to the fair, impartial operation of the courts, and ensuring indigent defense. The Department's ROL coordination activities include overseeing the work of over 300 personnel in Iraq under the Chief of Mission authority, coordinating ROL efforts with the Multi-National forces, and advising the Ambassador on justice related issues.

Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

**Funding**

Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
0	0	0	0	19	11	10	4,000	19	11	19	6,911

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Director – Attorney - SES	384	1	384	0
Deputy Director –Attorney – GS-15	339	1	339	0
Attorney Advisor – GS 15	280	6	1,524	540
Office Manager – GS-12	141	1	141	0
Professional Support – GS 9	96	1	96	0
Total Personnel		10	2,485	540



Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	19	11	10	6,911	0	6,911
Increases	10	8	8	2,485	0	2,485
Grand Total	29	19	18	9,693	0	9,396

**Item Name:** **Privacy and Civil Liberties**

Budget Decision Unit(s): Department Leadership  
Strategic Goal(s) & Objective(s): Enabling/Administrative  
Organizational Program: Office of Privacy and Civil Liberties

Program Increase: Positions 2 Atty 2 FTE 1 Dollars \$229,000

#### Description of Item

Funding and staffing is requested to support DOJ's Office of Privacy and Civil Liberties to perform their statutorily mandated duties: compliance, legal guidance, and legal and policy leadership.

#### Justification

The Office of Privacy and Civil Liberties (OPCL) was created to support the Chief Privacy and Civil Liberties Officer and all of the disparate privacy functions that were consolidated from different DOJ offices. Additional staffing will help support the myriad of responsibilities that have been created by statute and by the transfer of duties from existing Department offices.

#### **Compliance**

OPCL is responsible for ensuring that the Department complies with the administrative privacy requirements mandated by the Privacy Act and the E-Government Act. Pursuant to the Privacy Act, OPCL must review every system of records that the Department maintains to ensure that the Department has adequately noticed these systems in the Federal Register and that these systems have proper corresponding exemption regulations. Currently, the Department has over 200 such systems of record notices (SORNs). In addition to these SORNs, which are continuously reviewed for accuracy, each component seeks legal guidance from OPCL in drafting and publishing its new SORNs and promulgating regulations. Additionally, the E-Government Act mandates that the Department conduct Privacy Impact Assessments (PIAs) for all Department information technology initiatives that contain personally identifiable information. Despite its minimal resources, OPCL has now established a streamlined process (through an Initial Privacy Assessment (IPA) tool) to conduct assessments of DOJ records systems to ensure compliance with both the Privacy Act and E-Government Act requirements. While the process for review has been established, OPCL does not currently have sufficient resources to implement it. OPCL has a current backlog of 120 IPAs, 62 PIAs, and 18 SORNs and accompanying regulations. OPCL is also responsible for adjudicating all Privacy Act amendments and accounting appeals. This function is the primary redress mechanism for individual requesters to ensure that Privacy Act records are maintained in an accurate, relevant, timely and complete manner.

#### **Legal Guidance**

OPCL is responsible for providing legal guidance on all privacy and civil liberties matters that relate to the handling of personal information for the Department. Within this broad mandate, OPCL has many different responsibilities, ranging from providing recommendations on matters of privacy litigation, to providing recommendations on affirmative disclosures of personally identifiable information, to interpreting different privacy laws in response to certain Department missions. The Director and General Counsel have traditionally provided this legal guidance to

affected Department components, however, with the ever-increasing workload, one type of legal guidance that was formally published as the Department's Overview of the Privacy Act of 1974 has been postponed since 2004. OPCL has a goal of reinstating this publication. This Overview is known throughout the Federal government as the source for Privacy Act legal analysis and is often requested by Department litigators, other Federal agencies, and advocacy groups.

## **Legal and Policy Leadership**

OPCL sits on many interagency privacy working groups, ranging from areas such as international privacy, information sharing environment, and the Chief Information Officer Council. While the Chief Privacy and Civil Liberties Officer historically sits as the chair on several such committees, they must rely on OPCL staff to represent the Department on the numerous subcommittees and working groups.

### Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

## **Funding**

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
2	1	2	411	2	1	2	1,493	2	1	2	1,506

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney – GS 15	205	2	229	196
Total Personnel		2	229	196

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	2	1	2	1,084	422	1,506
Increases	2	2	1	229	0	229
Grand Total	4	3	3	1,313	422	1,735

<b>Item Name:</b>	<b><u>Tribal Justice</u></b>
Budget Decision Unit(s):	<u>Intergovernmental Relations/External Affairs</u>
Strategic Goal(s) & Objective(s):	<u>Goal 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People</u>
Organizational Program:	<u>Office of Tribal Justice</u>

Program Increase: Positions 4 Atty 3 FTE 2 Dollars \$584,387

#### Description of Item

Funding and staffing is requested to support the DOJ's Office of Tribal Justice (OTJ).

#### Justification

OTJ was established in 1985 in response to the overwhelming demand by Indian tribes for better coordination within the Department and among other federal agencies on law enforcement and public safety issues. OTJ has been funded through reimbursements from other Department components. Because of its successes, the Department recognizes the need to institutionalize OTJ within the Intergovernmental Relations/External Affairs Decision Unit. Therefore, the Department is requesting that \$1,238,235 and four positions/FTE be transferred from the following appropriations to the General Administration appropriation to fund OTJ: \$489,144 and two positions/FTE from the Executive Office for U.S. Attorneys appropriation, \$597,083 and two positions/FTE from General Legal Activities (\$336,425 and one pos/FTE from the Criminal Division and \$260,658 and 1 pos/FTE from the Civil Rights Division), and \$152,008 from the Justice Management Division within the General Administration appropriation.

In addition to the transfer of resources, OTJ is also in need of additional staffing to manage the increasing responsibilities of the Indian Country initiative. The additional staffing requested includes three attorneys to work on legal issues and one program analyst to work on grant issues. OTJ is also anticipated to need \$127,000 for travel, which is included as non-personnel funding.

This increase in staffing is in recognition of the real duties of the OTJ. There are over 54 million acres of Indian country, the majority of which is under federal jurisdiction. Hundreds of federal cases, in addition to other conflicts needing resolution are generated in this area each year. OTJ is responsible for serving as the primary point of contact between the 563 tribal governments and the Department in these matters. OTJ coordinates these complex matters, the underlying policy, and emerging legislation between more than a dozen DOJ components active in Indian country. External coordination with the Departments of Interior, Health and Human Services, and Homeland Security, as well as the Congress is another of OTJ's duties. OTJ also provides legal expertise in Indian law to the Department in those matters that progress to the Appellate level, or issues being considered for legislation. To ensure that the Department's Indian country responsibilities are met, the increase in OTJ staff is necessary.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

The request supports Objective 2.2 "Reduce the threat, incidence, and prevalence of violent crime," which is included in Strategic Goal 2.

## Funding

### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
0	0	0	0	0	0	0	0	4	4	4	1,238

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney - SES	275	1	150	126
Attorney Advisor – GS 15	227	1	125	98
Attorney Advisor – GS 13	174	1	99	96
Professional Support – GS 13	147	1	83	68
Total Personnel		4	457	388

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Travel Expenses	127	1	127	0
Total Non-Personnel			127	0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	4	4	4	1,238	0	1,238
Increases	4	3	2	457	127	584
Grand Total	8	7	6	1,695	127	1,822

**Item Name:** **Legislative Affairs**

Budget Decision Unit(s): Intergovernmental Relations/External Affairs

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: Office of Legislative Affairs

Program Increase: Positions 3 Atty 3 FTE 2 Dollars \$305,000

Description of Item

Funding and staffing is requested to support the DOJ's Office of Legislative Affairs (OLA) which has responsibility for the development and implementation of strategies to advance the Department's legislative initiatives and other interests relating to Congress.

Justification

OLA advises appropriate components of the Department on the development of the Department's official policies through legislation initiated by the Department, other parts of the executive branch, or members of Congress, and explains and advocates the Department's policies to Congress. OLA also serves as the Attorney General's focal point for dealing with Department nominees, congressional oversight, congressional correspondence, and congressional requests for documents and access to Department employees.

OLA's workload continues to increase and the volume of requests from the Administration and Congress for the Department's views on legislative and oversight matters is greater than ever. Since the beginning of the 111<sup>th</sup> Congress in January 2009 through November 2009, OLA turned over 2,400 OMB requests, 100 requests for views on pending legislation, and over 200 requests for Department testimony and follow-up questions for the record from hearings. In addition, the Department has legislative proposals and reports to Congress that must be reviewed and prepared for transmittal.

The manpower for this office has been supplemented by detailees, of which OLA currently has six on board. This enhancement request includes the addition of three new positions. This increase will help the office keep pace with an increasing workload.

The Administration has also instituted a new requirement that has been coordinated by OLA together with the Department's Office of Legal Counsel, that a constitutional review must be performed on all bills that are in the legislative process. In addition, 3,343 letters from members of Congress were received by the Department in 2009, the majority of which are reviewed and approved by OLA before the responses are signed.

The major functions of OLA are to:

- Maintain liaison between the Department and Congress.
- Manage and direct all legislative functions between Congress and the Department.
- Consult with and advise the AG, the DAG and the AAG on controversial matters and policy considerations, important policy decisions, new legislative initiatives, and priority decisions.

- Serve as the Department's spokesperson to Congress.
- Issue guidelines or instructions in order to ensure a coordinated approach is being taken on legislative actions.
- Participate in the coordination of the Department's position on all proposed legislation.

Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

**Funding**

Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
24	14	24	3,833	24	14	24	3,964	24	14	24	4,100

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney Advisor – GS 14	180	3	305	330
Total Personnel		3	305	330

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	24	14	24	2,788	1,312	4,100
Increases	3	3	2	305	0	305
Grand Total	27	17	26	3,093	1,312	4,405

**Item Name:** **Professional Responsibility**

Budget Decision Unit(s): Executive Support/Professional Responsibility

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: Office of Professional Responsibility

Program Increase: Positions 5 Atty 3 FTE 3 Dollars \$488,000

Description of Item

Funding and staffing is requested to support DOJ's Office of Professional Responsibility (OPR) for an increasing number of special investigations.

Justification

The OPR, which reports directly to the AG, is responsible for investigating allegations of misconduct involving Department attorneys that relate to the exercise of their authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when they are related to allegations of attorney misconduct within the jurisdiction of OPR. Over 10,000 Department attorneys fall within this investigative jurisdiction. OPR's work is critically important to DOJ because it enables DOJ leadership to ensure that its attorneys and component-agency law enforcement personnel adhere to the highest ethical standards and are held accountable when their conduct falls short. The work of OPR is also important because it enables DOJ to provide assurance to the public, the courts, and Congress that DOJ is able to police itself.

In the past two years, OPR conducted, either alone or jointly with the OIG, an unprecedented number of investigations into alleged misconduct by officials and former officials at the most senior levels of DOJ. Several investigations were opened at the request of congressional oversight committees or Members of Congress. More recently, OPR initiated several significant investigations into allegations of selective prosecution.

Additional attorneys and support staff are needed to enable OPR to complete investigations in a reasonable amount of time. They are also needed to handle the additional work that will be required to prepare reports for public release in those investigations in which the public interest in disclosure outweighs the privacy interest of the subject attorneys.

Presently the caseloads of OPR attorneys range from seven to more than twenty, depending on the complexity of the cases assigned. OPR's one specialist is fully occupied with FOIA matters, and two program analysts are similarly occupied managing the intake and initial review of nearly 1,000 complaints received by OPR annually. The addition of three attorneys would enable OPR to reduce substantially the caseload of each attorney so that they are better able to achieve OPR's timeliness goals. The additional two support staff would enable the attorneys to work more efficiently, as they could delegate the processing and standard research that they currently must perform themselves.

The chart below displays OPR's regular workload over the past five years:



	<b>Complaints Received</b>	<b>Matters Opened</b>
2004	1,000	360
2005	850	280
2006	900	250
2007	925	225
2008	1,000	250
2009	1,357	257

However, it is important to bear in mind that numbers do not tell the whole story because all OPR matters are not equal. An investigation into a closing argument violation is much less time consuming, for example, than a special investigation.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

### **Funding**

#### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
29	21	29	6,252	29	21	29	6,535	29	21	29	6,708

#### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Attorney – GS 15	205	3	342	294
Program Analyst – GS 12	128	2	146	116
Total Personnel		5	488	410

#### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	29	21	29	4,291	2,417	6,708
Increases	5	3	3	488	0	488
Grand Total	34	24	32	4,779	2,417	7,196

**Item Name:** **Accountability and Program Management**

Budget Decision Unit(s): Justice Management Division

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: Justice Management Division

Program Increase: Positions 4 Atty 0 FTE 2 Dollars \$506,000

Description of Item

Funding and staffing is requested to support the Justice Management Division's (JMD) role of oversight and compliance management for DOJ.

Justification

Under the leadership of the Assistant Attorney General for Administration, JMD serves as the management arm of the Department of Justice, advising the AG and DAG on various issues related to the operation of the Department. JMD is charged with oversight of the administration of DOJ and ensuring compliance with the multitude of administrative rules and regulations that govern the administration of federal agencies.

Because JMD serves a supporting function in the mission of DOJ, operations within JMD are often invisible when everything is running smoothly for the components. As a result, it is difficult to garner support for an increase in resources for a component that is not on the front line of law enforcement. However, there are several areas within JMD that are in desperate need of an increase in resources to ensure that the law enforcement and litigating divisions can continue to pursue their mission with full support in the administration of their programs.

This enhancement request supports the following initiatives within JMD: Environmental Management, Human Capital, Travel Support, and Information Safeguards and Security Oversight. These staffs perform unique and essential duties that are critical to the success of DOJ's mission. Additional resources must be provided to these staffs to ensure their continuing ability to administer and support the programs and efforts of the law enforcement and litigating divisions.

The Environmental Management initiative includes contract services, training and software to assist in bringing DOJ into compliance with Executive Order 13423 – Strengthening Federal Environmental, Energy, and Transportation Management, issued in 2007. This order sets goals for energy efficiency, acquisition, renewable energy, toxic chemical reduction, recycling, sustainable buildings, electronics stewardship, fleets and water conservation. This initiative will assist with implementing an Environmental Management System for DOJ headquarters, bureaus and components by providing a regulatory reference and a customized compliance auditing program.

Human Capital supports the Department's mission of administering justice by developing and implementing policy and programs, providing guidance, and leading efforts to attract, develop, and retain high performing employees. This initiative includes two positions for the Human

Capital Information Technology and Accountability (HCIT&A) section and one position for the Consolidated Executive Office.

HCIT&A was designed to ensure DOJ adherence to the merit system principles and other laws and regulations governing human capital management. HCIT&A senior auditors monitor, assess and report on progress toward achieving human capital goals and improving the efficacy and efficiency of human resource programs. The depth of issues uncovered has required auditors to provide follow-up audits of components with serious deficiencies. Two additional positions are requested to maintain the rigorous schedule of six audits per year with sufficient resources for follow-up support.

The Consolidated Executive Office (CEO) provides quality administrative support in the areas of financial management, acquisition services, human resources liaison, voice and data communications, and facilities coordination to the executives, managers and employees of the Department's leadership offices, senior management offices, and selected JMD staffs. CEO provides support in a collaborative and productive manner allowing these offices to concentrate on their individual missions. The enhancement requested for CEO is one position to assist in travel support. CEO is relied upon to provide guidance on interpretation of the Federal Travel regulations, as well as DOJ's travel policy. Currently, CEO has a team of six financial specialists (including the Assistant Director) to manage the funds of approximately 30 offices.

The Information Safeguards and Security Oversight enhancement will ensure that the Department is in compliance with Controlled Unclassified Information (CUI) policies and standards. This enhancement will also ensure all Department employees are properly trained to handle, mark, and safeguard CUI. An investment in the Security Safeguards and Information Oversight initiative will enable the Department to maintain and develop effective controls to ensure the CUI program is carried out in compliance with national policies and that there are appropriate safeguards applied to vulnerabilities and risks associated with the protection of CUI.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

### **Funding**

#### Base Funding

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
388	0	389	72,504	388	0	389	78,979	388	0	389	77,787

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Human Res Spclst – GS 13	147	2	166	100
Security Specialist – GS 13	147	1	83	50
Financial Mgt Spclst – GS 9	96	1	57	23
Total Personnel		4	306	173

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Environmental Management System	200,000	1	200	
Total Non-Personnel			200	

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	388	0	389	52,008	25,779	77,787
Increases	6		3	306	200	506
Grand Total	394		392	52,314	26,594	78,293

**Item Name:** **Acquisitions Improvement**

Budget Decision Unit(s): Justice Management Division

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: Justice Management Division

Program Increase: Positions 90 Atty 0 FTE 90 Dollars \$10,778,000

#### Description of Item

Funding and staffing is requested to increase the Department's acquisition workforce capacity and capabilities.

#### Justification

The increase requested is to mitigate the risks associated with gaps in either capacity or capability of the acquisition workforce and to improve the effectiveness of the workforce in order to maximize value in federal contracting. The resources requested will be used to:

- increase the capacity of the acquisition workforce by approximately 5% in the contracting functional area and any necessary changes for program managers and COTRs;
- increase the capability of the acquisition workforce by investing in training to close identified gaps in such areas as project management, negotiations, requirements development, contract management, and other key topics; and
- increase the effectiveness of the acquisition workforce by investing in improvements to systems that support the contracting function.

#### Background

Successful acquisition outcomes are the direct result of having the appropriate personnel with the requisite skills managing various aspects of the acquisition process. Between FY 2000 and FY 2008, acquisition spending by civilian agencies increased by 56% (in inflation-adjusted dollars), while the number of contract specialists grew by only 24%. This increased workload leaves less time for effective planning and contract administration and can lead to diminished acquisition outcomes. This lack of capacity and capability in the acquisition workforce - which includes contract specialists, program and project managers, and contracting officer technical representatives - results in tradeoffs during the acquisition lifecycle that may reduce the chance of successful outcomes while increasing costs and impacting schedule.

The additional resources will be transferred out to the procurement offices in the Offices, Boards, Divisions, and the Bureaus.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

The request is enabling/administrative and supports all strategic goals and objectives.

## Funding

### Base Funding\*

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
24	0	24	3,919	24	0	24	4,050	24	0	24	4,144

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Contract Specialist	153	90	10,778	5,389
Total Personnel		90	10,778	5,389

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Total Non-Personnel				

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services						
Increases	90	0	90	10,778	0	10,778
Grand Total	90	0	90	10,778	0	10,778

\*The base resources shown above are JMD only. The majority of these additional resources will be transferred out to supplement procurement offices Department-wide.

***Program Decreases*****Item Name:****Travel Offset**Budget Decision Unit(s): Justice Management DivisionStrategic Goal(s) & Objective(s): Enabling/AdministrativeOrganizational Program: Justice Management DivisionProgram Increase: Positions 0 Atty 0 FTE 0 Dollars (\$86,000)**Description of Item**

Offset of travel funding.

**Justification**

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2011, the Department is focusing on travel as an area in which savings can be achieved. For GA, travel or other management efficiencies will result in an offset of \$86,000. This offset will be applied in a manner that will allow the continuation of effective law enforcement program efforts in support of Presidential and Departmental goals, while minimizing the risk to health, welfare and safety of agency personnel.

**Impact on Performance (Relationship of Increase to Strategic Goals)**

The request is enabling/administrative and supports all strategic goals and objectives.

**Funding****Base Funding**

FY 2009 Enacted (w/resc./supps)				FY 2010 Enacted				FY 2011 Current Services			
Pos	atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	625	0	0	0	715	0	0	0	733

**Non-Personnel Offset Cost Summary**

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Travel Offset	(86)	1	(86)	0
Total Non-Personnel			(86)	0



Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	0	732	732
Offsets	0	0	0	0	(86)	(86)
Grand Total	0	0	0	0	646	646

## **V. EXHIBITS**